

COVINGTON & BURLING

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PRIVILEGED AND CONFIDENTIAL
ATTORNEYS' WORK PRODUCT

January 31, 1986

BACKGROUND INFORMATION CONCERNING
INGREDIENTS LIST

On April 2, 1986, the six major American tobacco companies submitted to the Department of Health and Human Services ("HHS") a list of ingredients added to tobacco in the manufacture of cigarettes. The list was provided to HHS in compliance with Section 7 of the Federal Cigarette Labeling and Advertising Act, which was enacted by Congress in 1984. The companies submitting the list are American Tobacco Company, Brown and Williamson Tobacco Corporation, Liggett & Myers Tobacco Company, Inc., Lorillard, Inc., Philip Morris, Inc., and R.J. Reynolds Tobacco Company.

Because the identities of the ingredients added to tobacco are important trade secrets, the Act provides that HHS must safeguard the confidentiality of the list. HHS has established procedures to assure that these protections are observed.

The list contains several hundred substances. However, 15 substances account for approximately 99% of total ingredient usage. A number of these fifteen compounds are processing aids that are not present in appreciable quantities in the final cigarette. Others are flavoring materials or moisturizers that have been used in cigarettes for decades.

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The remaining ingredients are used in small quantities, generally less than 100 pounds per year. Most of these compounds are components of formulated mixtures purchased by the cigarette manufacturers from flavor suppliers. The formulas of these proprietary flavors are closely guarded, but the cigarette manufacturers have been able to learn the identities of these flavor components from their suppliers. Only a small number of ingredients used as flavors would be present in an individual brand, and these ingredients generally constitute no more than one percent of the weight of an individual cigarette.

Most of the ingredients on the list are commonly used in foods, and many are in other consumer products, such as cosmetics. These ingredients have been reviewed by the Food and Drug Administration (FDA) and are included in the lists of substances Generally Recognized as Safe maintained by FDA and the Flavor and Extract Manufacturers Association.

Many of the ingredients on the list have also been approved for use in tobacco products by governmental bodies in other countries such as Great Britain and West Germany. For example, a British list, commonly referred to as the Hunter list, was developed by a medical and scientific committee appointed by the British government.

The submission of the list marks the second time in recent years that American cigarette manufacturers have made available an ingredients list to HHS. In 1982, representatives

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of the HHS Office of Smoking and Health reviewed a list of the most commonly used ingredients. This list was voluntarily provided by the industry under an agreement with Dr. Edward N. Brandt, Jr., then Assistant Secretary for Health at HHS.

As in the past, the industry has stated that it stands ready to assist HHS scientists in reviewing the ingredients on the list.

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